

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER SALAZAR, JR., *et al.*,

Defendants.

Case No. 1:23-cv-01282-JLT-CDB

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
DEFENDANTS' MOTION TO SET ASIDE
DEFAULT JUDGMENT**

(Doc. 40)

The United States of America initiated this action against Javier Salazar, Jr., Javier Salazar Sr., and Ricardo Covarrubias to enforce the provisions of Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. §§ 3601, et seq. (the "Fair Housing Act" or "FHA"), on behalf of Angela McGinnis. (Doc. 1 at ¶¶ 1-2.) On October 28, 2024, the undersigned adopted the magistrate judge's findings and recommendations and granted Plaintiff's motion for default judgment against Defendants. (Doc. 35.)

On November 25, 2024, Defendants (through newly noticed counsel) filed a motion to set aside the default judgment. (Doc. 37.) Plaintiff filed an opposition on December 9, 2024. (Doc. 39.) The motion was referred to the assigned magistrate judge. (Doc. 38.)

On April 23, 2025, the assigned magistrate judge issued findings and recommendations to deny Defendants' motion, finding that Defendants' culpable conduct and lack of meritorious

1 defense weigh in favor of maintaining the default judgment. (Doc. 40.) (citing *Brandt v. Am.*
2 *Bankers Ins. Co. of Fla.*, 653 F.3d 1108, 1111 (9th Cir. 2011); *U.S. v. Aguilar*, 782 F.3d 1101,
3 1105 (9th Cir. 2015); and *U.S. v. Signed Personal Check No. 730 of Yubran S. Mesle*, 615 F.3d
4 1085, 1091 (9th Cir. 2010).) The findings and recommendations were served upon the parties and
5 advised them that they may file written objections within 14 days (*i.e.*, not later than May 7,
6 2025) and that “failure to file any objections within the specified time may result in the waiver of
7 rights on appeal.” (*Id.* at 13) (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).) No
8 party filed objections or any other response and the deadline to do so has passed.

9 Pursuant to 28 U.S.C. § 636(b)(1)(C), and Local Rule 304, this Court conducted a *de novo*
10 review of this case. Having carefully reviewed the entire matter, this Court concludes the findings
11 and recommendations are supported by the record and by proper analysis.

12 CONCLUSION AND ORDER

13 For the reasons set forth above:

- 14 1. The April 23, 2025, findings and recommendations (Doc. 40) are **ADOPTED IN**
15 **FULL**.
- 16 2. Defendants’ motion to set aside default judgment (Doc. 37) is **DENIED**.

17 IT IS SO ORDERED.

18 Dated: May 13, 2025

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20 UNITED STATES DISTRICT JUDGE
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